

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 96-6198

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JOHN D. WRIGHT,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Charleston. Solomon Blatt, Jr., Senior District Judge. (CR-87-105, CA-94-3506-8AJ)

Submitted: August 22, 1996

Decided: September 4, 1996

Before HALL, MICHAEL, and WILLIAMS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Susan Graham James, Montgomery, Alabama, for Appellant. Alfred William Walker Bethea, Assistant United States Attorney, Florence, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Appellant appeals from the district court's order adopting the recommendation of the magistrate judge to deny Appellant's motion filed pursuant to 28 U.S.C. § 2255 (1988), as amended by Antiterrorism and Effective Death Penalty Act of 1996, Pub. L. No. 104-132, 110 Stat. 1217. We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we affirm substantially on the reasoning of the district court. United States v. Wright, Nos. CR-87-105; CA-94-3506-8AJ (D.S.C. Jan. 8, 1996).

In addition we note that, because there has been no intervening change in law regarding the claims Appellant raised on direct appeal, collateral attack of these alleged errors is foreclosed. Boeckenhaupt v. United States, 537 F.2d 1182, 1183 (4th Cir.), cert. denied, 429 U.S. 863 (1976). Further, Appellant's non-constitutional claims raised for the first time in this collateral proceeding have been waived by the failure to raise them on direct appeal. Stone v. Powell, 428 U.S. 465, 477 n.10 (1976); United States v. Emanuel, 869 F.2d 795, 796 (4th Cir. 1989). Finally, Appellant's failure to show cause for his procedural default bars review of those claims where no contemporaneous objection was made at sentencing. United States v. Gaylor, 828 F.2d 253, 256 (4th Cir. 1987).

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED